

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

WORCESTER, ss.

In re:

WESTBOROUGH SPE LLC,

Debtor.

## Chapter 7

Case No. 23-40709-CJP

MOTION FOR COURT ASSISTANCE IN RECOVERING UNCLAIMED FUNDS  
FOR THE BENEFIT OF THE BANKRUPTCY ESTATE

NOW COMES Lolonyon Akouete, a creditor in the above-captioned case, and hereby respectfully moves the Court for assistance in recovering unclaimed funds for the benefit of the bankruptcy estate, and in support thereof, states as follows:

## 1. Background:

a. WESTBOROUGH SPE LLC is under involuntary Chapter 7 bankruptcy with Jonathan Goldsmith duly appointed as the Chapter 7 Trustee.

b. The debtor has critical financial obligations that urgently require the recovery of assets currently held by the State.

## 2. Unclaimed Funds:

a. The bankruptcy estate includes a checking account valued at \$1,293,646.83, under Property ID# 1019294209, as reported by MUFG Union Bank NA.

b. Despite repeated communications, including claim ID 4974344 and prior claim ID 21014485, the funds remain unreleased by the State Controller's Office.

### 3. Trustee's Efforts and Creditor's Communications:

a. The Trustee and creditors have made concerted efforts, as evidenced by multiple communications, to expedite the release of these funds, emphasizing the urgent need due to critical financial obligations.

b. Immediate financial commitments, such as the annual report filing fee with the Massachusetts Secretary of State and Delaware registration agent fees, highlight the time-sensitive nature of these funds.

#### 4. Legal Basis for Motion:

a. Pursuant to 11 U.S.C. § 541, the unclaimed funds form part of the bankruptcy estate, and the trustee is tasked with administering such estate assets.

b. The trustee's fiduciary duty to maximize the value of the bankruptcy estate for the benefit of creditors, as per various provisions of the Bankruptcy Code, supports this motion.

c. Under 11 U.S.C. § 542, the trustee has the authority to compel the turnover of estate property held by third parties.

d. The Bankruptcy Code, particularly under sections 544, 547, and 548, grants the trustee avoidance powers to recover assets for the benefit of the estate.

e. The bankruptcy court's broad authority to enforce the provisions of the Bankruptcy Code supports the issuance of orders compelling the turnover of funds to the trustee.

**5. Request for Court Assistance:**

a. The undersigned creditor, reflecting the concerns outlined in communications to the State Controller's Office, requests the Court's support in securing the release of these funds.

b. The expeditious processing and approval of the claims are crucial to mitigate financial burdens and facilitate the orderly liquidation process under Chapter 7.

**6. Relief Sought:**

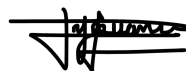
a. The undersigned creditor requests that the Court issue an order to expedite the review and release of the unclaimed funds.

b. This relief is critical to meeting the immediate financial obligations of the bankruptcy estate and ensuring equitable distribution to creditors.

Wherefore, Lolonyon Akouete respectfully requests that the Court grant this Motion for Court Assistance in Recovering Unclaimed Funds for the Benefit of the Bankruptcy Estate.

DATED: January 4, 2024, Respectfully submitted:

By creditor,



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Lolonyon Akouete  
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CERTIFICATE OF SERVICE

I, Lolonyon Akouete, a creditor, hereby certify that the above document is served by email and mailing a copy of the same, first-class mail, to the following:

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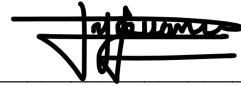
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